



22883

PTO/SB/21 (08-00)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/854,187

Filing Date May 10, 2001

First Named Inventor Kleiman

Group Art Unit NYA

Examiner Name NYA

Attorney Docket Number 103.1068.01

Total Number of Pages in This Submission

10

RECEIVED

JAN 18 2002

Technology Center 2100

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert a Provisional Application☒ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_

Remarks

☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):Statement Under 37 CFR 3.73(b)  
Return Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name

Steven A. Swernofsky

Reg. no. 33,040

Signature

Date

11-15-01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: 11-16-01

Type or printed name

Arlette Malhas, Paralegal

Signature

Date

11-16-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time your are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



#7

Please type a plus sign (+) inside this box ➡ ☐

PTO/SB/81 (11-96)  
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+

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT,  
NOT ACCOMPANYING  
APPLICATION**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/854,187        |
| Filing Date            | May 10, 2001      |
| First Named Inventor   | Steven R. Kleiman |
| Group Art Unit         | Not Assigned      |
| Examiner Name          | Not Assigned      |
| Attorney Docket Number | 103.1068.01       |

RECEIVED

JAN 18 2002

Technology Center 2100

I hereby appoint:

☒ Practitioners at Customer Number

22883



AND/OR

☒ Practitioner(s) named below:

| Name         | Registration Number |
|--------------|---------------------|
| Gary E. Ross | 29,431              |
|              |                     |
|              |                     |
|              |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant.

☒ Assignee of record of the entire interest  
Certificate under 37 CFR 3.73(b) is enclosed

**SIGNATURE of Applicant or Assignee of Record**

Name

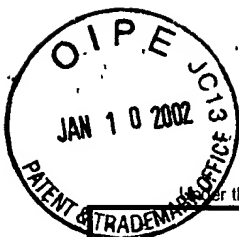
Gary E. Ross, Chief Patent Counsel

Signature

Date

11-2-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



22883

PTO/SB/96(6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Steven R. KleimanApplication No./Patent No.: 09/854,187 Filed/Issue Date: May 10, 2001Entitled: File System Image TransferNetwork Appliance, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Nov 2, 2001  
Date

Gary Ross  
Signature  
**Gary Ross**  
Typed or printed name  
**Chief Patent Counsel**  
Title

COPY

22883  
ASSIGNMENT OF PATENT APPLICATION

Attorney Docket No. 103.1068.01

FOR GOOD AND VALUABLE CONSIDERATION,

the undersigned (each) have agreed and hereby agree to assign for good and valuable consideration, receipt of which is hereby expressly acknowledged, and do hereby sell, assign and transfer and set over unto

Network Appliance, Inc.,

having a place of business as of the date of this assignment at  
495 East Java Drive, Sunnyvale, CA 94089, USA,

and its successors, assigns and legal representatives, the full and exclusive right, title and interest, for all countries in and to certain inventions relating to

**"File System Image Transfer"**

described in an application for Letters Patent of the United States,  
filed on 5/10/2001, as Application Serial No. 09/854,187,

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefor in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. We request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I/We agree that, when requested, we will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

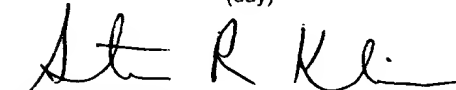
I/We authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

I/We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at SUNNY VALE, CA  
(city) (state)

on this 20<sup>th</sup> day of JULY, 2001.  
(day) (month) (year)



Steven R. Kleiman

David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

# COPY

ASSIGNMENT OF PATENT APPLICATION

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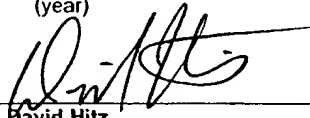
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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Los Altos, CA  
(city) (state)

on this 21 day of June, 2001.  
(day) (month) (year)

\_\_\_\_\_  
Steven R. Kleiman

  
\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
Guy Harris

\_\_\_\_\_  
Sean W. O'Malley

\_\_\_\_\_  
Michael Malcolm

\_\_\_\_\_  
James Lau

\_\_\_\_\_  
Byron Rakitzis

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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Mountain View, California  
(city) (state)

on this 13<sup>th</sup> day of August, 2001.  
(day) (month) (year)

Steven R. Kleiman



Guy Harris

David Hitz

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

# COPY

## ASSIGNMENT OF PATENT APPLICATION

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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Boston (city), MA (state)

on this 16 (day) day of July (month), 2001 (year).

\_\_\_\_\_  
Steven R. Kleiman

\_\_\_\_\_  
Guy Harris

\_\_\_\_\_  
Michael Malcolm

\_\_\_\_\_  
Byron Rakitzis

\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
Sean W. O'Malley

\_\_\_\_\_  
James Lau

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I/We hereunto sign our names below at

Los Angeles  
(city)

CA  
(state)

on this

3  
(day)

day of

July  
(month)

2001  
(year)

\_\_\_\_\_  
Steven R. Kleiman

\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
Guy Harris

\_\_\_\_\_  
Sean W. O'Malley

\_\_\_\_\_  
Michael Malcolm

\_\_\_\_\_  
James Lau

\_\_\_\_\_  
Byron Rakitzis



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I/We hereunto sign our names below at Los Altos Hills, CA  
(city) (state)

on this 18 day of June, 2001.  
(day) (month) (year)

\_\_\_\_\_  
Steven R. Kleiman

\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
Guy Harris

\_\_\_\_\_  
Sean W. O'Malley

\_\_\_\_\_  
Michael Malcolm

\_\_\_\_\_  
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I/We hereunto sign our names below at BURLINGAME, CA  
(city) (state)  
on this 26<sup>th</sup> day of JUNE, 2001.  
(day) (month) (year)

\_\_\_\_\_  
Steven R. Kleiman

\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
Guy Harris

\_\_\_\_\_  
Sean W. O'Malley

\_\_\_\_\_  
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\_\_\_\_\_  
Byron Rakitzis